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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/885,597	06/30/1997	JOHN TANG	065020023	7560

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FINNEGAN HENDERSON FARABOW  
GARRETT & DUNNER LLP  
1300 I STREET N W  
WASHINGTON, DC 200053315

EXAMINER

NGUYEN, LE V

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 10/07/2004

39

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	08/885,597	TANG ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Le Nguyen	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 12 August 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-18 and 29-32 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 and 29-32 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. In response to the amendment of 7/14/04 and in view of newly discovered art, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-18 and 29-32 are pending in this application. Claims 1, 7, 13 and 32 are independent claims. This action is made non-final.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 6, 9, 12 and 15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3, 6, 9 and 15 recites the limitation "the numbers and types" in line 2 of claims 3 and 9 and lines 2-3 of claims 6 and 15. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-18 and 29-31 rejected under 35 U.S.C. 102(b) as being anticipated by Capps.

As per claim 1, Capps teaches a process for reflecting a state of a software container having objects, comprising:

cyclically displaying a series of frames reflecting a state of the container as an animated sequence (figs. 12a-12c; *a software “container” is represented by an icon-sized area on a computer display screen wherein an animated presentation is displayed in the icon sized area*);

detecting an event reflecting a change in the state of the container (col. 5, lines 44-50; col. 8, lines 34-40; *reflecting the change in the state of the container upon detecting user activation*);

determining based on the detected event whether an animated sequence does not reflect the state of the container and updating the cyclical display based on the

determination (col. 8, lines 37-40; col. 7, lines 63-65; *based on user activation, a determination is made whether an animated sequence reflects the state of the container, e.g. an animation cycle of an object slipped into a file folder and moving across the screen into an open drawer reflects the activity of an object to be filed, and the image/cyclical display is updated upon completion with the image being removed as a determination that the process is complete*).

As per claim 2, Capps teaches a process for reflecting a state of a software container having objects wherein the cyclical display provides an intuitive representation of a degree of the change in the state of the container (col. 8, lines 37-40; col. 7, lines 63-65; *a degree or extent of activity being animated, active and animated versus non-active wherein image is removed*).

As per claim 3, Capps teaches a process for reflecting a state of a software container having objects wherein the cyclical display reflects a number and type of objects (col. 5, lines 36-50; *the cyclical display reflects an object O of type text, i.e. the cyclical display reflects a number of objects such as file object and mail object as described in col. 8, lines 34-40*).

As per claim 4, Capps teaches a process for reflecting a state of a software container having objects wherein the cyclical display embeds audio information in the generated frames (col. 2, lines 57-58; *the cyclical display embeds/inserts a program or sequence of instructions executed by the computer such as a created audio information program into the animation program, the audio information becomes part of the animation*).

As per claim 5, Capps teaches a process for reflecting a state of a software container having objects wherein the cyclical display uses one of color variations, tempo, motion, and change in size to represent the degree of the change in the state of the container (col. 8, lines 34-40; col. 7, lines 63-65; *tempo and motion is used to represent the degree of the change in the state of the container*).

As per claim 6, Capps teaches a process for reflecting a state of a software container having objects wherein the cyclical display uses color variations, tempo, motion, and change in size to reflect a number or type of objects in the container (col. 8, lines 34-40; col. 7, lines 63-65; *motion is used to represent the type of the objects in the container, e.g. a crumpling motion of an object represents the type of the object to be "trash" or an object to be trashed*).

Claims 7 and 13 are individually similar in scope to claim 1 and are therefore rejected under similar rationale.

Claims 8 and 14 are individually similar in scope to claim 2 and are therefore rejected under similar rationale.

Claims 9 and 15 are individually similar in scope to claim 3 and are therefore rejected under similar rationale.

Claims 10 and 16 are individually similar in scope to claim 4 and are therefore rejected under similar rationale.

Claims 11 and 17 are individually similar in scope to claim 5 and are therefore rejected under similar rationale.

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Claims 12 and 18 are individually similar in scope to claim 6 and are therefore rejected under similar rationale.

As per claim 29, Capps teaches a process for reflecting a state of a software container having objects wherein the frames include characteristics that are symbolic of objects of the container (col. 8, lines 34-40; *a crumpled object is symbolic of an object for the trash container, a folded object is symbolic of a letter to be stuffed into an envelope container and an object slipped into a file folder is symbolic of an object to be filed into a filing cabinet container*).

Claims 30 and 31 are individually similar in scope to claim 29 and are therefore rejected under similar rationale.

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Capps in view of Nielsen.

As per claim 32, Capps teaches a process for reflecting a state of a software container having objects, comprising: cyclically displaying a series of frames reflecting a state of the container as an animated sequence (figs. 12a-12c; *a software "container" is represented by an icon-sized area on a computer display screen wherein an animated*

*presentation is displayed in the icon sized area); detecting an event reflecting a change in the state of the container (col. 5, lines 44-50; col. 8, lines 34-40; reflecting the change in the state of the container upon detecting user activation); determining based on the detected event whether an animated sequence does not reflect the state of the container and updating the cyclical display based on the determination (col. 8, lines 37-40; col. 7, lines 63-65; based on user activation, a determination is made whether an animated sequence reflects the state of the container, e.g. an animation cycle of an object slipped into a file folder and moving across the screen into an open drawer reflects the activity of an object to be filed, and the image/cyclical display is updated upon completion with the image being removed as a determination that the process is complete). However, Capps does not explicitly disclose the web container to be a Web page related to user discussion. Nielsen teaches the web container to be a Web page related to user discussion (col. 5, lines 30-43; col. 1, lines 45-48; i.e. a Web page includes a stream of bits wherein users may select a location for the image of the temporally varying icon to be inserted such as into the HTML bit stream of the Web page or overlaid on the object that is of interest). Therefore, it would have been obvious to an artisan at the time of the invention to include Nielsen's teaching of an intuitive and aesthetically pleasing indication of the change in status of an object overlaid on a web container such as a Web page related to user discussion to Capps teaching of an intuitive and aesthetically pleasing indication of the change in status of an object and its subsequent disposition given that it is desirable to exchange information with remote*

users in an intuitive efficient manner without resorting to typing at the keyboard to explain user's actions.

*Inquiries*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê whose telephone number is (703) 305-7601 or (571) 272-4068. The examiner can normally be reached on Monday - Friday from 5:30 am to 2:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN  
Patent Examiner  
August 31, 2004

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

*Ayaz Sheikh*  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100  
*Acting Director*